



INQUIRY INTO THE USE OF CANNABIS IN VICTORIA

I thank you for this opportunity to input into this inquiry.

My name is Loren Paul Wiener I am a Cannabis law reform journalist, activist, consultant and occasional global Cannabis tour guide for law enforcement, politicians and tourists. I have spoken around the world on the subject and write occasionally for Australia law firms, the law review USA, podcasts AND EVEN Australia bill amendments etc.

When I lost my brother to cancer in 2014 much was not known yet about the use of medical Cannabis for Cancer. He benefitted greatly as many others have, so I met with many politicians and travelled globally to speak to those where it was legal to get a better understanding then got involved with all political parties here in Australia to see what I might do to help a little.

I am not well liked by the now new political Cannabis black market, and at one time I was destined to run for Senate for the HEMP Party till I asked questions and left the party. This partly because I am pro law enforcement come from a law enforcement family, and believe law reform is best when supported with law enforcement perspectives and with Government with input as we did in the USA in 1995 and much like the ACT Cannabis law reform that passed Jan 31 2020, and the pending NSW Medical Cannabis Bill. AS we say you can love the police but hate the laws.

Also I suggest, before you entertain an inquiry into Cannabis in Victoria, you will logically have a view of what outcome is preferred and hopefully not ignore the status quo inside and outside of Government with respect to that on Cannabis as of 2020.

This is highlighted from when Victoria legalised the use of medical Cannabis in 2016. The preferred and successful outcome was to re-define the word "Cannabis" addressed by the ODC (Office of Drug Control) in public discussions in 2015 prior to being deployed to manage Cannabis in Australia on behalf of their sister group the TGA.

In my own accepted amendment to the 2016 Cannabis Access Bill, I am humbled the government accepted my concerns as Hansards shows, that changing the definition of the word "Cannabis" subtly, but different to the rest of the world was dangerous. Not just for those actually seeing the future benefit of good cannabis law reform (for medical use) but being I was involved in it 20 years ago in California USA, my hope was to prevent the things that went wrong then not happening in Australia in 2016 baring in mind that Cannabis law reform in 1996 California is greatly different to Cannabis law reform in 2016 then and 2020 now.

One major take away from this and a huge catalyst to the problems in 2020 is that 98-99% of all legal medical Cannabis outside Australia since 1996 has included REAL Cannabis defined by the USA, Canada, WHO, etc as having >10% THC in the plant.

In Victoria Cannabis law reform and nationally in Australia since 2016 that same 98-99% did not include REAL Cannabis but other things mostly imported oils made from hemp not Cannabis and believed to be mostly GMO in origin, as is the industry standard. Due to the change in definition in 2016 Australia it means "Cannabis" need not include REAL Cannabis or in the case of synthetics not even come from a real plant. This was my concern raised in my amendment people would be confused but I did not know the Government would make it much much worse, leading us to where we are

today. Perhaps with intent perhaps not, but it is where it is in 2020 and where we are on Cannabis in 2020 leading to the impact and aspects of the inquiry into the use of cannabis in victoria

Legal use vs Illegal use of Cannabis – Prior to Cannabis being legalised and accessible for medical use then all Cannabis usage is viewed as illegal recreational use and possession of it for medical use means being likely guilty of drug trafficking.

When Cannabis was legalised for medical use in Australia in 2016, unlike Canada or the USA where dispensaries were opened, for REAL Cannabis for medical use, Australia made it clear the only Cannabis that would be legal had to be “Safe and Legal” – So they made sure all the states kept it illegal, and then they defined the word “safe” as they did “Cannabis” Safe meant it had to be at standards essentially, preventing Australia from producing it, or in the case of REAL Cannabis growing it. I believe there are still no supplier sin Australia legally growing and providing Cannabis flower to Australians only imported or used for oil.

Terms of Reference

a. prevent young people and children from accessing and using cannabis in Victoria.

First it needs to be determined if legal Cannabis for medical use is allowed legally or not so as to address if this as a health or a legal question. If for recreational use only studies have shown usage rates and even driving deaths were reduced when Cannabis was made legal. Those opposed will point out there was a short spoke and ignore that it did not last very long per the full reports. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6710088/>

b. protect public health and public safety in relation to the use of cannabis in Victoria.

Prior to legalising Cannabis for medical use in 1995 California, law enforcement was opposed. However, when faced with the scenario “If Cannabis legalisation is going ot happen NOW can we do it best from a law enforcement perspective” then the dialogue eventually changed. Much like the 2020 “Defund the Police” movement, police departments were set to lose money when Cannabis became legal, unknown at the time, had that been discussed internally earlier, law enforcement would have been involved more positively sooner had that been fixed sooner. It was addressed with refunding moneys lost, via tax dollars. Speaking to law enforcement in Victoria they have those same concerns (and few others).

Unfortunately, drug driving tests have to be addressed. As it stands the laws appear to be written around testing practices as opposed to tests being addressed around the law. If I tested positive for being over the drinking limit, a week ago, or 2 days ago but was sober today, getting fined, sent to jail, losing my job, my license because of it would be chaos. But that is what we do in Australia. Some tests are inaccurate, but others are VERY accurate as I have written about. However, as the process reads, the presence of Cannabis is illicit not impairment. This is why tests are NOT used globally.

AUSTRALIA'S ORAL ROAD SIDE DRUG TEST FOR CANNABIS IS ILLEGAL OUTSIDE OF AUSTRALIA AS BY DEFINITION THEY DO NOT TEST FOR IMPAIRMENT ONLY PREVIOUS POSSESSION. THE LAWS REFLECT THAT, BUT IS THIS LEGAL CONSTITUTIONALLY?

The program DOES NOT infer impaired driving or driving a motor vehicle under the influence of a drug. This program detects the PRESENCE of an Illicit Drug in This program detects the PRESENCE of an Illicit Drug in a subject's oral fluid.

Setting age limits in line with cigarettes is sensible, again making sure use is not medical related.

c. implement health education campaigns and programs to ensure children and young people are aware of the dangers of drug use, in particular, cannabis use.

Starting with the truth is a great start. We have seen misinformation fed, in from the late NCPIC, via NDARC and the DOH. This makes it tough to help anyone when the truth is not being told. Look at education programs where it is LEGAL not where it is illegal. Talking to teachers, doctors, police on what has and continues to work. Denver, San Francisco, Vegas all have programs set up in the time of legislation.

d. prevent criminal activity relating to the illegal cannabis trade in Victoria.

When Cannabis was made legal for medical use in Australia in 2016, Government accidentally grew part of the black market exponentially, and created a new medical cannabis black market that is now both politically and financially better off. Government going down the path of imported only product was an easy door to open for the black market. Then with Government not making CBD Or THC (real Cannabis) available, for under \$1000 a month the black market was able to supply street cannabis vs medical cannabis for \$250 vs \$1000 and even Government was importing low quality CBD for \$150 from Canada public websites and selling it then for \$500 here. One black market shop was raided last year, and it was reported 2000 patients were on file ordering a minimum of \$250 a month, in black market product. This puts the black market and those opposed to law reform, pharmaceutical industry many in government on side with the black market.

To prevent / reduce the black market legalise, tax and regulate it. Use the tax dollars to offset los of funds for law enforcement, education programs and drug rehabs for those that need it for other things.

When Cannabis was made legal for medical use, most of the countries and states noticed the same thing, 30-50% of ALL such labeled illegal recreational Cannabis users, were actually then legal medical users.

e. assess the health, mental health, and social impacts of cannabis use on people who use cannabis, their families and carers.

With the size and growth of the black market in Australia it is hard to ignore how Cannabis being illegal or inaccessible for even medical use has impacted those involved. For many Cannabis is a glass of wine after work. For others it prevents seizures or relieves stress, in high doses has been seen to help stop the growth of Cancer, To ignore the large use of Cannabis in just this way, is to label a large population (including politicians and law enforcement) as criminals.

<https://psychcentral.com/news/2013/12/10/harvard-marijuana-doesnt-cause-schizophrenia/63148.html>

Science has also shown us many that have health issues will use Cannabis for a natural medical answer.

It is hard to ignore that the job of the department of health is partly to eradicate cannabis usage and departments like NDARC and others highlight research (real or fake) that highlights the negative as that is their job. Once such reference is on schizophrenia, in that an often flaunted 2010 study showed Cannabis caused schizophrenia but was revealed as untrue in a 2014 Harvard study per above.

One such study in Australia on negative health issues was actually debunked by another Australia government consultant as untrue <http://bit.ly/dodgy-DNA>

Solving the issue – Australia is not Amsterdam, California, Canada or Israel but all have tackled Cannabis use well and differently but not perfect. New Zealand has their own referendum and some of it is also worth looking at. Australia needs to undo the damage done to medical cannabis users since 2016.